

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
JEFFERSON RIVER BASIN (41G)  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANT: **JH Associates LLC**; ~~Larry W. Jones; L W  
Jones Properties Inc.~~

**CASE 41G-0536-R-2022**  
41G 195585-00

OBJECTOR: JH Associates LLC

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

## **MASTER'S REPORT**

### **FINDINGS OF FACT**

1. Claim 41G 195585-00 appeared in the Basin 41G Preliminary Decree issued February 15, 2018. In the Basin 41G Preliminary Decree the owner of claim 41G 195585-00 was identified as Larry W. Jones and LW Jones Properties, Inc.
2. JH Associates LLC filed a timely objection to claim 41G 195585-00 asserting the ownership information was incorrect and that JH Associates LLC should be recognized as the owner of record for claim 41G 195585-00.
3. On November 30, 2022, JH Associates LLC filed a status report indicating that a water right ownership update form had been submitted to the DNRC. Attached to the filing was a copy of the water ownership update form.
4. The DNRC processed the ownership update on December 16, 2022. The DNRC database reflects JH Associates LLC as the current owner of claim 41G 195585-00. JH Associates' objection to the ownership of claim 41G 195585-00 has been resolved.

### **CONCLUSIONS OF LAW**

1. A properly filed claim of an existing right or an amended claim of existing right is prima facie proof of its content. § 85-2-227, MCA. No evidence was presented to overcome the prima facie status of the claim.
2. Changes to ownership of water right claims are processed by the DNRC pursuant to Section 85-2-424, MCA. The DNRC processed the ownership update submitted by JH Associates, resolving the objection to the claim in this case.

### **RECOMMENDATIONS**

1. The ownership for claim 41G 195585-00 was updated by the DNRC.
2. No other changes should be made to claim 41G 195585-00.

An abstract for claim 41G 195585-00 is served with the Report to confirm that JH Associates LLC is listed as the owner of claim 41G 195585-00.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

**Last Order:**

*L W Jones Properties Inc.*  
*Larry W. Jones*  
*2705 E. River Rd*  
*Livingston, MT 59047*

**Courtesy Copy:**

**Lorraine Jones**  
**8183 Blacktail Rd.**  
**Careywood, ID 83809**

**Service via Electronic Mail:**

Lori A. Harshbarger  
Harshbarger Law Firm  
204 S. Main St.  
Twin Bridges, MT 59754  
(406) 684-5001  
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**Notice: Caption and Service List Updated 1-13-23**

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 195585-00 STATEMENT OF CLAIM

**Version:** 2 -- REEXAMINED

**Status:** ACTIVE

**Owners:** JH ASSOCIATES LLC  
385 WATERLOO RD  
WHITEHALL, MT 59759 3362

**Priority Date:** JUNE 19, 1950

**Type of Historical Right:** USE

**Purpose (use):** COMMERCIAL

**Flow Rate:** 15.00 GPM

**Volume:** 4.00 AC-FT

**Source Name:** GROUNDWATER

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESW	27	1S	5W	MADISON

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WELL

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNESW	27	1S	5W	MADISON

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**Remarks:**

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.